

### REMARKS

These remarks are responsive to the Office Action dated May 10, 2004 (hereinafter referred to as "the Office Action"). The Office Action imposed a two-way restriction requirement as follows:

Group I: claims 1-10, 22, 25-27 and 31-32.

Group II: claims 11, 20, and 28-30.

Upon further inquiry to the Examiner regarding the status of pending claims 33 and 34, I was informed on June 2, 2004 that the Examiner intended to impose a three-way restriction requirement, in which there was a group III corresponding to claims 33 and 34. The undersigned herein elects the claims directed toward Group I for further prosecution. Accordingly, the claims directed towards Group II and Group III are herein cancelled.

The Office Action imposed a one month shortened statutory period for response which expired June 10, 2004. Accordingly, enclosed herewith is a petition and fee for a one month extension of time. However, the undersigned respectfully submits that the petition for extension and the fee are not required for consideration of this response under the provisions provided in the MPEP.

Specifically, MPEP 710.06 states that "Where . . . an Office Action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant." The Office Action did contain a defect by not indicating the status of claims 33 and 34 in the overall restriction requirement. This error was brought to the attention of the Office and resolved by a conversation with the Examiner held on June 2, 2004 (within one month of the mailing date of the Office Action). The error was

corrected by that conversation on June 2, 2004. Accordingly, the undersigned respectfully requests that the period for response be reset to begin on June 2, 2004, which would extend the one month period for reply until July 2, 2004. This serves as the request required under MPEP 710.06 to reset the period. This reset period for response obviates the need for the accompanying petition and fee, which are provided in case the Examiner is not convinced by the above-arguments concerning the resetting of the period for reply.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 25<sup>th</sup> day of June, 2004.

Respectfully submitted,



ADRIAN J. LEE  
Registration No. 42,785  
Attorney for Applicant  
Customer No. 022913  
Phone No.: (801) 533-9800